

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q116798

Andreas LENDLEIN, et al.

Appln. No.: 10/560,539

Group Art Unit: 3734

Confirmation No.: 6451

Examiner: SHUBERT, CHRISTOPHER

Filed: June 19, 2006

For: BIODEGRADABLE STENTS

**REQUEST FOR REFUND**

**MAIL STOP 16**

Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby respectfully requests a refund in the amount of \$1520. This refund is to be credited to Deposit Account No. 19-4880. The reason for this request is that due to unreasonable delays in the USPTO, Applicant was required to file a Notice of Appeal (\$540.00) and a Petition for Extension of Time (\$980.00) on June 23, 2011, the final due date for maintaining pendency, due to a failure to act by the USPTO despite the timely filing of an Amendment Under 37 C.F.R. § 1.116 on April 25, 2011, which the Examiner agreed provided basis for withdrawal of the finality of the final Office Action issued December 23, 2010. Further facts justifying this refund are set forth below.

During a May 23, 2011 telephone Interview between Examiner Christopher Schubert and the undersigned attorney, Examiner Schubert stated that the previous rejection was overcome and the finality of the final Office Action was withdrawn, and that a non-final Action would be issued (a copy of the Interview Summary thereon received subsequently is attached hereto). However, despite several subsequent telephone calls to Examiner Schubert, and eventually to the Examiner's supervisor, Supervisory Patent Examiner (SPE) Gary Jackson, and despite SPE's

Jackson's attempts to have the USPTO staff send the new Office Action, which he advised had been prepared by Examiner Schubert on June 12, 2011, and had already been counted, SPE Jackson's efforts were unsuccessful, and the non-final Office Action was not subsequently sent out until June 27, 2011, thus forcing Applicant in the interim to file a Notice of Appeal and Petition for Extension of Time on June 23, 2011, in order to prevent Abandonment.

Under the foregoing circumstances, in which the Examiner had in May explicitly indicated that the previous rejection was overcome and that finality was withdrawn, Applicant should not have required to pay extra extension and Notice of Appeal Fees simply because the USPTO staff could not send out the subsequent Office Action until after the final due date of June 23, 2011. Therefore, the refund is respectfully requested.

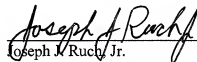
Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**  
CUSTOMER NUMBER

Date: July 25, 2011

  
Joseph J. Ruch, Jr.  
Registration No. 26,577



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,539	06/19/2006	Andreas Lendlein	Q116798	6451
23373 7590 06/27/2011 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER SCHUBERT, CHRISTOPHER	
			ART UNIT 3734	PAPER NUMBER
			NOTIFICATION DATE 06/27/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com  
PPROCESSING@SUGHRUE.COM  
USPTO@SUGHRUE.COM

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/560,539	LENDLEIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CHRISTOPHER SCHUBERT	3734	

All participants (applicant, applicant's representative, PTO personnel):

(1) CHRISTOPHER SCHUBERT. (3) \_\_\_\_\_

(2) Joe ruch. (4) \_\_\_\_\_

Date of Interview: 23 May 2011.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: NA.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner informed applicant that arguments in reply overcame the previous rejection and a supplemental nonfinal rejection would be issued.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/C. S./ Examiner, Art Unit 3734	/Gary Jackson/ Supervisory Patent Examiner, Art Unit 3734
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